

Box No. VIII (iii) DECLARATION: ENTITLEMENT TO CLAIM PRIORITY

The declaration must conform to the standardized wording provided for in Section 213; see Notes to Boxes Nos. VII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

In relation to this international application,

Elixir Pharamaceuticals, Inc., is entitled to claim priority of earlier application No. 60/531,507

by virtue of the following:

an assignment from Bard J. Geesaman to Elixir Pharmaceuticals, Inc., dated May 17 2004

This declaration is made for the purposes of all designations, except the designation of the United States of America



This declaration is continued on the following sheet, "Continuation of Box No. VIII (iii)".